

**ASSEMBLY BILL**

**No. 2053**

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**Introduced by Assembly Member Wesson**

February 22, 2000

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An act to amend Section 417.2 of the Penal Code, relating to imitation firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2053, as introduced, Wesson. Imitation firearms.

Under existing law, any person who sells, manufactures, ships, transports, distributes, or receives an imitation firearm, as defined, is liable for a civil fine of not more than \$10,000 for each violation. Existing law also describes certain devices, among which is a firearm containing markings provided in a specified provision of federal law, that are not included in the definition of "imitation firearm."

This bill instead would increase the fine to \$20,000 and narrow the range of permitted markings.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 417.2 of the Penal Code is  
2 amended to read:  
3 417.2. (a) Commencing January 1, 1989, any person  
4 who purchases, sells, manufactures, ships, transports,  
5 distributes, or receives, by mail order or in any other  
6 manner, an imitation firearm in violation of this section

1 shall be liable for a civil fine in an action brought by the  
2 city attorney of the city or the district attorney of the  
3 county of not more than ~~ten~~ *twenty* thousand dollars  
4 ~~(\$10,000)~~ *(\$20,000)* for each violation.

5 (b) The manufacture, purchase, sale, shipping,  
6 transport, distribution, or receipt, by mail or in any other  
7 manner, of imitation firearms is permitted if the device  
8 is manufactured, purchased, sold, shipped, transported,  
9 distributed, or received for any of the following purposes:

10 (1) Solely for export in interstate or foreign  
11 commerce.

12 (2) Solely for lawful use in theatrical productions,  
13 including motion picture, television, and stage  
14 productions.

15 (3) For use in a certified or regulated athletic event or  
16 competition.

17 (4) For use in military or civil defense activities.

18 (5) For public displays authorized by public or private  
19 schools.

20 (c) As used in this section, “imitation firearm” means  
21 a replica of a firearm that is so substantially similar in  
22 physical properties to an existing firearm as to lead a  
23 reasonable person to conclude that the replica is a  
24 firearm.

25 (d) As used in this section, “imitation firearm” does  
26 not include any of the following:

27 (1) A nonfiring collector’s replica of an antique  
28 firearm that was designed prior to 1898, is historically  
29 significant, and is offered for sale in conjunction with a  
30 wall plaque or presentation case.

31 (2) A nonfiring collector’s replica of a firearm that was  
32 designed after 1898, is historically significant, was issued  
33 as a commemorative by a nonprofit organization, and is  
34 offered for sale in conjunction with a wall plaque or  
35 presentation case.

36 (3) A device, as defined in subdivision (g) of Section  
37 12001.

38 (4) A firearm that contains, or has affixed to it, a  
39 marking approved by the Secretary of Commerce, as  
40 provided in ~~Section 5001 of Title 15 of the United States~~



1 ~~Code~~ subsections (c) and (d) of Section 1150.3 of Title 15  
2 of the Code of Federal Regulations as in effect on January  
3 1, 2000.

4 (5) An instrument that expels a metallic projectile,  
5 such as a BB or pellet, through the force of air pressure,  
6 CO<sub>2</sub> pressure, or spring action, or a spot marker gun.

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